

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-10688-NMG**

Jordan v. Boston Public Schools, et al  
Assigned to: Judge Nathaniel M. Gorton  
Cause: 42:1983 Civil Rights (Employment Discrimination)

Date Filed: 04/01/2004  
Date Terminated: 09/14/2007  
Jury Demand: None  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff****Theodus Jordan**

represented by **Theodus Jordan**  
PO Box 840  
Jamaica Plain, MA 02130-0036  
PRO SE

V.

**Defendant****Boston Public Schools**

represented by **Andrea C. Alves Thomas**  
City of Boston  
26 Court Street  
7th Floor  
Boston, MA 02108  
617-635-9320  
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aalvesthomas@boston.K12.ma.us  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Massachusetts Commission Against  
Discrimination**

Date Filed	#	Docket Text
04/01/2004	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Theodus Jordan. (Jenness, Susan) Additional attachment(s) added on 6/14/2004 (Jenness, Susan). (Entered: 04/05/2004)
04/01/2004	<u>2</u>	COMPLAINT Filing fee: \$ 0.00, receipt number 0.00, filed by Theodus Jordan.(Jenness, Susan) (Entered: 04/05/2004)

04/01/2004	2	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Jenness, Susan) (Entered: 04/05/2004)
04/05/2004	2	Case undergoing preliminary screening (Jenness, Susan) (Entered: 04/05/2004)
05/17/2004	3	Judge Patti B. Saris : ORDER entered granting 1 Motion for Leave to Proceed in forma pauperis. It is FURTHER ORDERED that the complaint be dismissed pursuant to Section 1915(e) without further notice after thirty-five (35) days from the date of this Order, unless before that time plaintiff shows good cause, in writing, why this case should not be dismissed for the reasons stated in the accompanying memorandum. (Morse, Barbara) (Entered: 05/18/2004)
05/17/2004	4	Judge Patti B. Saris : ORDER entered MEMORANDUM AND ORDER that plaintiff's complaint is subject to dismissal without further notice under 28 U.S.C. section 1915(e)(2) within thirty-five (35) days of the date of the accompanying Order unless before that time plaintiff demonstrates good cause why the complaint should not be dismissed for the reasons stated above. Copy of Memorandum mailed to plaintiff along with copy of Order on IFP (Docket No. 3).(Morse, Barbara) (Entered: 05/18/2004)
05/18/2004	4	Set Deadlines/Hearings: Plaintiff to show good cause why the complaint should not be dismissed under 28 U.S.C. section 1915(e)(2) due by 6/21/2004. (Morse, Barbara) (Entered: 05/18/2004)
06/23/2004	5	Response by Theodus Jordan to 4 Memorandum & ORDER. (Attachments: # 1 Memorandum and Order of 5/17# 2 Copy of Letter to U.S. Equal Employment Opportunity Commission# 3 Copy of Letter from the Commonwealth of Massachusetts Commission Against Discrimination# 4 Copy of Order on Application to Proceed without Prepayment of Fees)(Patch, Christine) (Entered: 06/29/2004)
07/12/2004	6	Case Reassigned to Judge Nathaniel M. Gorton. Judge Patti B. Saris no longer assigned to the case. Counsel are directed to the Court's Standing Orders re: Electronic Case Filing. (Patch, Christine) (Entered: 07/13/2004)
08/20/2004	7	Judge Nathaniel M. Gorton : MEMORANDUM AND ORDER entered that (1) the Clerk shall issue summonses and the United States Marshal shall serve a copy of the complaint, summons and this order upon defendant Boston Public Schools as directed by the plaintiff with all costs of service to be advanced by the United States. It is further ORDERED, that in accordance with the Court's Order dated May 17, 2004, the claims against the Massachusetts Commission Against Discrimination are dismissed pursuant to 28 U.S.C. section 1915(e)(2). Copy of Memo and Order mailed to plaintiff with summonses and marshals service package. (Morse, Barbara) (Entered: 08/24/2004)
08/24/2004	7	Summons Issued as to Boston Public Schools. Summons mailed to plaintiff with copy of DOcket No. 7 and marshals service package.






		(Morse, Barbara) (Entered: 08/24/2004)
11/17/2004	<u>8</u>	MOTION for Default Judgment as to Boston Public Schools, et al. by Theodus Jordan.(Barrette, Mark) (Entered: 11/19/2004)
12/07/2004	<u>9</u>	Judge Nathaniel M. Gorton : Electronic ORDER entered denying <u>8</u> Motion for Default Judgment. The USM285 form filed by plaintiff as proof of service was not served by the US Marshal and shows no process receipt and return. cc/cl (Nicewicz, Craig) (Entered: 12/07/2004)
12/22/2004	<u>9</u>	Petition against the U.S. Marshal for failure to execute legal and timely service. (Nicewicz, Craig) (Entered: 12/28/2004)
03/15/2005	<u>10</u>	MOTION to Resume Pursuit of the Above Matter and an Answer to Petition Filed on 12/17/2004; In Addition to 2nd Motion to Default Defendants and Sanctions US Marshall for Negligence and Failure to Execute Court Ordered Service in the Pursuant to Justice by Theodus Jordan.(Barrette, Mark) (Entered: 03/16/2005)
03/15/2005	<u>11</u>	MOTION for Default Judgment by Theodus Jordan.(Barrette, Mark) (Entered: 03/16/2005)
07/26/2005	<u>10</u>	Judge Nathaniel M. Gorton : Electronic ORDER entered denying <u>10</u> Motion default judgment, denying <u>11</u> Motion for Default Judgment. Original summons were issued just about a year ago, plaintiff contends that the U.S. Marshal has not made service on his behalf, he fails to provide specific information about the problem(s) he encountered with the Marshals Service. The clerk will resend a USMS package and docket no. 7 to plaintiff. Plaintiff must fill out the USM285 forms and return and or deliver to US Marshals Office for service. (Nicewicz, Craig) (Entered: 07/26/2005)
07/26/2005	<u>10</u>	Remark: Clerk hand delivered: USM-285, the original and a copy of summons, a copy of Docket #7, and a copy of complaint to the US Marshalls office for process of service. (Elefther, Elizabeth) (Entered: 07/26/2005)
08/02/2005	<u>12</u>	US Marshal Process Receipt and Return for Summons and Complaint. Boston Public Schools served Delivered on 7/28/05 (Elefther, Elizabeth) (Entered: 08/02/2005)
08/15/2005	<u>13</u>	Assented to MOTION for Extension of Time to 09/01/05 to File Answer or Responsive Pleading by Boston Public Schools.(Thomas, Andrea) (Entered: 08/15/2005)
08/22/2005	<u>13</u>	Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>13</u> Motion for Extension of Time (Nicewicz, Craig) (Entered: 08/22/2005)
09/01/2005	<u>14</u>	ANSWER to Complaint by Boston Public Schools. (Attachments: # <u>1</u> ) (Thomas, Andrea) Additional attachment(s) added on 9/20/2005 (Elefther, Elizabeth). (Entered: 09/01/2005)
09/19/2005	<u>15</u>	Response by Theodus Jordan to <u>14</u> Answer to Complaint. (Attachments: # <u>1</u> Exhibit 1)(Elefther, Elizabeth) (Entered: 09/20/2005)

11/15/2005	<u>16</u>	NOTICE of Scheduling Conference Scheduling Conference set for 1/26/2005 03:15 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 11/15/2005)
11/15/2005	<u>3</u>	Notice mailed to Theodus Jordan PO BOX 840 Jamaica Plain, MA 02130 (Nicewicz, Craig) (Entered: 11/15/2005)
12/13/2005	<u>17</u>	Assented to MOTION to Continue Scheduling Conference by Boston Public Schools. (Attachments: # 1 Exhibit Court Order)(Thomas, Andrea) (Entered: 12/13/2005)
12/14/2005	<u>17</u>	Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>17</u> Motion to Continue (Nicewicz, Craig) (Entered: 12/14/2005)
12/14/2005	<u>17</u>	NOTICE OF RESCHEDULING Scheduling Conference set for 2/23/2006 03:15 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 12/14/2005)
02/15/2006	<u>18</u>	STATEMENT OF COUNSEL of Defendant by Boston Public Schools. (Thomas, Andrea) (Entered: 02/15/2006)
02/22/2006	<u>19</u>	CERTIFICATE OF CONSULTATION Pursuant to L.R. 16 by Andrea C. Alves Thomas on behalf of Boston Public Schools. (Thomas, Andrea) (Entered: 02/22/2006)
02/23/2006	<u>19</u>	ElectronicClerk's Notes for proceedings held before Judge Nathaniel M. Gorton : Scheduling Conference held on 2/23/2006. (Nicewicz, Craig) (Entered: 03/08/2006)
03/01/2006	<u>20</u>	Judge Nathaniel M. Gorton : ORDER entered. SCHEDULING ORDER: Final Pretrial Conference set for 3/13/2007 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. Jury Trial set for 4/2/2007 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. See Order for details. Mailed to T. Jordan at PO Box 840, Jamaica Plain MA 02130.(Nicewicz, Craig) (Entered: 03/08/2006)
05/01/2006	<u>21</u>	MOTION for Extension of Time to 35-45 days to begin Schedulig Order by Theodus Jordan.(Sonnenberg, Elizabeth) (Entered: 05/01/2006)
05/09/2006	<u>21</u>	Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>21</u> Motion for Extension of Time, extending discovery schedule by 30 days. The trial date of 4/2/07 remains firm. Mailed to Plaintiff via US Mail. (Nicewicz, Craig) (Entered: 05/09/2006)
10/30/2006	<u>22</u>	Response to production of documents and defendant's request for answers by Theodus Jordan. (Nici, Richard) (Entered: 11/01/2006)
10/30/2006	<u>23</u>	Defendant BPS first set of interrogatories to plaintiff by Boston Public Schools.(Nici, Richard) (Entered: 11/01/2006)
11/22/2006	<u>24</u>	Response to inefficient date for taking deposition and submit alternative dates included by Theodus Jordan. (Attachments: # 1 Exhibit 1) (Sonnenberg, Elizabeth) (Entered: 11/28/2006)
11/27/2006	<u>24</u>	Disclosure pursuant to Rule 26 by Boston Public Schools.(Thomas,



		Andrea) (Entered: 11/27/2006)
11/27/2006	<u>25</u>	Joint MOTION for Extension of Time to January 31, 2007 to Complete Discovery by Boston Public Schools.(Thomas, Andrea) (Entered: 11/27/2006)
12/13/2006		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>25</u> Motion for Extension of Time to Complete Discovery Discovery to be completed by 1/31/2007. (Nicewicz, Craig) (Entered: 12/13/2006)
12/13/2006		ELECTRONIC NOTICE OF RESCHEDULING Jury Trial set for 5/21/2007 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. Pretrial Conference set for 5/17/2007 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 12/13/2006)
02/02/2007	<u>27</u>	MOTION to delay production of all documents for another 40 days due to hardship and indigent status for copying duplication, due to reproduction cost by Theodus Jordan.(Sonnenberg, Elizabeth) (Entered: 02/02/2007)
02/09/2007	<u>28</u>	MOTION to Compel <i>and Opposition to Plaintiff's Motion to Delay</i> by Boston Public Schools. (Attachments: # <u>1</u> Exhibit Exhibit A, Document Request to Plaintiff# <u>2</u> Exhibit Exhibit B, Letter August 1, 2006# <u>3</u> Exhibit Exhibit C- Answers to Interrogatories# <u>4</u> Exhibit Exhibit D- Nov. 27 letter# <u>5</u> Exhibit Exhibit E- January 24 letter)(Thomas, Andrea) (Entered: 02/09/2007)
02/22/2007	<u>29</u>	MEMORANDUM in Support re <u>27</u> MOTION to Delay production of all documents for another 40 days due to hardship and indigent status for copying duplication, due to reproduction cost filed by Theodus Jordan. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Motion)(Sonnenberg, Elizabeth) (Entered: 02/23/2007)
04/13/2007		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>28</u> Motion to Compel, denying <u>27</u> Motion Delay production of all documents (clerk sent electronic notice to plaintiff via US mail.) (Sonnenberg, Elizabeth) (Entered: 04/17/2007)
04/18/2007	<u>30</u>	MOTION for Leave to File <i>Summary Judgment</i> by Boston Public Schools.(Thomas, Andrea) (Entered: 04/18/2007)
05/01/2007		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>30</u> Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Nicewicz, Craig) (Entered: 05/01/2007)
05/14/2007	<u>31</u>	MOTION in Opposition for Summary Judgment and 20 days to produce all discovery documents and witness lists by Theodus Jordan. (Sonnenberg, Elizabeth) (Entered: 05/15/2007)
05/15/2007		ELECTRONIC NOTICE OF RESCHEDULING Jury Trial set for 8/6/2007 09:00 AM in Courtroom 4 before Judge Nathaniel M.

		Gorton.,Pretrial Conference set for 8/2/2007 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 05/15/2007)
05/21/2007	<u>32</u>	MOTION for Summary Judgment by Boston Public Schools.(Thomas, Andrea) (Entered: 05/21/2007)
05/21/2007	<u>33</u>	MEMORANDUM in Support re <u>32</u> MOTION for Summary Judgment filed by Boston Public Schools. (Thomas, Andrea) (Entered: 05/21/2007)
05/21/2007	<u>34</u>	Statement of Material Facts L.R. 56.1 re <u>32</u> MOTION for Summary Judgment filed by Boston Public Schools. (Thomas, Andrea) (Entered: 05/21/2007)
05/23/2007	<u>35</u>	EXHIBITS A-NN re 34 Statement of Material Facts L.R. 56.1 by Boston Public Schools. (Sonnenberg, Elizabeth) (Entered: 05/23/2007)
06/28/2007		Remark - Clerk has called plaintiff at two provided phone numbers to inform plaintiff that a response, if any, to motion for summary judgment should be filed forthwith and is past due. (Nicewicz, Craig) (Entered: 06/28/2007)
07/09/2007	<u>36</u>	MEMORANDUM in Opposition re <u>32</u> MOTION for Summary Judgment filed by Theodus Jordan. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> )(Sonnenberg, Elizabeth) (Entered: 07/10/2007)
07/30/2007		ELECTRONIC NOTICE OF RESCHEDULINGJury Trial set for 11/26/2007 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton.,Pretrial Conference set for 11/20/2007 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. The previously set trial and pretrial dates have been cancelled. The court has taken the pending summary judgment motion under advisement.(Nicewicz, Craig) (Entered: 07/30/2007)
09/12/2007	<u>37</u>	Judge Nathaniel M. Gorton : ORDER entered. MEMORANDUM AND ORDER"For the foregoing reasons, the defendant's motion for summary judgment (Docket No. 33) is ALLOWED and the case will be dismissed. So ordered."(Sonnenberg, Elizabeth) (Entered: 09/13/2007)
09/14/2007	<u>38</u>	Judge Nathaniel M. Gorton : ORDER entered. JUDGMENT in favor of Defendant (Nicewicz, Craig) (Entered: 09/14/2007)
10/15/2007	<u>39</u>	MOTION for Reconsideration re <u>37</u> Memorandum & ORDER by Theodus Jordan.(Sonnenberg, Elizabeth) (Entered: 10/16/2007)
10/30/2007	<u>40</u>	Opposition re <u>39</u> MOTION for Reconsideration re <u>37</u> Memorandum & ORDER filed by Boston Public Schools. (Thomas, Andrea) Additional attachment(s) added on 10/31/2007 (Sonnenberg, Elizabeth). (Entered: 10/30/2007)
11/26/2007	<u>41</u>	Memorandum by Theodus Jordan. (Attachments: # <u>1</u> Exhibit) (Sonnenberg, Elizabeth) (Entered: 11/27/2007)
12/21/2007		Judge Nathaniel M. Gorton: Electronic ORDER entered denying <u>39</u>

		Motion for Reconsideration (Sonnenberg, Elizabeth) (Clerk mailed via US mail to plaintiff.) (Entered: 12/21/2007)
02/13/2008		NOTICE OF APPEAL as to Order on Motion for Reconsideration by Theodus Jordan NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/4/2008. (Sonnenberg, Elizabeth) (Entered: 02/15/2008)
02/13/2008		MOTION for Leave to Proceed in forma pauperis by Theodus Jordan. (Sonnenberg, Elizabeth) (Entered: 02/15/2008)
02/13/2008		AFFIDAVIT in Support re 43 MOTION for Leave to Proceed in forma pauperis. (Sonnenberg, Elizabeth) (Entered: 02/15/2008)
02/13/2008		MOTION re-instate case due to negligence to notification of final decision re Order on Motion for Reconsideration by Theodus Jordan. (Sonnenberg, Elizabeth) (Entered: 02/15/2008)
02/20/2008		Judge Nathaniel M. Gorton: Electronic ORDER entered denying 43 Motion for Leave to Proceed in forma pauperis "Is hereby DENIED as moot under Fed. R. App. P. 24(a)(3), since Plaintiff was allowed to proceed in forma pauperis in the district court, no prior permission is required." (Sonnenberg, Elizabeth) (Entered: 02/20/2008)